

REMARKS

This Amendment is being filed in response to the Office Action mailed on August 5, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11 remain in this application, where claim 12 has been canceled without prejudice, and claim 1 is independent. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, claim 12 is rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claim 12 has been

canceled without prejudice. The cancellation of claim 12 renders moot this rejection with regard to this claim.

In the Office Action, claims 1 and 7-11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0214857 (Horie). Further, claims 1-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Horie. It is respectfully submitted that claims 1-12 are patentable over Horie for at least the following reasons.

Horie is directed to a phase-change recording material used for information recording medium. Tables 3-6 provide various examples of layers of various thicknesses.

It is respectfully submitted that Horie does not disclose or suggest the present invention as recited in independent claim 1, which, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein  $\frac{\Lambda_{12}}{d_{12}} > 5 * 10^8 \text{ W m}^{-2} \text{ K}^{-1}$ , where  $\Lambda_{12}$  is a heat conduction coefficient of the second auxiliary layer 12.

Horie is completely silent about relating heat conduction coefficient to anything, let alone requiring that the ratio between

the heat conduction coefficient and thickness of a particular layer meet a particular criterion. There is simply no disclosure or suggestion in Horie of having  $\lambda_{I2}/d_{I2} > 5*10^8 \text{ W m}^{-2} \text{ K}^{-1}$ , as recited in independent claim 1.

Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-11 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, Horie does not disclose or suggest that the thickness  $d_{I2}$  of the second auxiliary layer I2 comprising  $(\text{ZnS})_{80}(\text{SiO}_2)_{20}$  is  $d_{I2} < 10 \text{ nm}$ , as recited in claim 2. Rather, the thinnest thickness shown in Tables 3-6 is 15nm, which is the thickness of the Horie recording layer shown in Table 4 and 6. The thinnest thickness shown in Tables 3-6, for the Horie layer including ZnS, is 17 as shown in Table 5. There is simply no thin auxiliary layer in Horie having a thickness of less than 10nm, where this thin (<10nm) auxiliary layer I2 is interposed between

the recording layer and another auxiliary layer I3.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By Dicran Halajian  
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
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**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101